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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 EMPLOYEE PAINTERS' TRUST
7 HEALTH AND WELFARE FUND,

8 Plaintiff,

9 v.

10 NORTH AMERICAN
11 CURTAINWALL, LLC, et al.,

12 Defendants.

C09-1433 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) On December 18, 2019, plaintiff filed a motion, docket no. 33, to extend
16 the time during which plaintiff may execute on the judgment entered December 18, 2009,
17 docket no. 8, against defendant North American Curtainwall, LLC ("Curtainwall").
18 According to the docket in this matter, Curtainwall remains represented by counsel,
19 namely Stephen Paul Hennessey of Durkee & Hennessey, but plaintiff served its motion
20 via U.S. mail directly on Curtainwall. See Certificate of Mailing (docket no. 33 at 4). In
21 addition, although plaintiff's motion did not satisfy any of the criteria set forth in Local
22 Civil Rule 7(d)(1), plaintiff noted its motion for the same day it was filed, leaving
23 Curtainwall no opportunity to file a response. Finally, in connection with its motion,
plaintiff did not submit the requisite fee. See RCW 6.17.020(3)&(5); see also In re
M.R.A., 2009 WL 2437238 at *3 (Wash. Ct. App. Aug. 11, 2009) ("a document is not
'filed' for recording . . . until the filing fee is paid"). The Court ORDERS as follows:

(a) Plaintiff's counsel shall abide by Washington Rule of Professional
Conduct 4.2 and shall not directly communicate with Curtainwall in the absence of
its attorney's consent or authorization from the Court;

(b) Plaintiff's motion, docket no. 33, is RENOTED to January 31, 2020,
and any response and/or reply shall be due as set forth in Local Civil Rule 7(d)(3);
and

1 (c) Plaintiff shall tender the \$400 filing fee applicable to civil matters
2 within seven (7) days of the date of this Minute Order. See Order entered April 9,
3 2019 (docket no. 147) in Experience Hendrix, LLC v. Electric Hendrix, LLC,
4 W.D. Wash. Case No. C07-338 TSZ.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

7 Dated this 27th day of December, 2019.

8 William M. McCool
9 Clerk

10 s/Karen Dews
11 Deputy Clerk